

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SEAN CHRISTOPHER WILLIAMS,

Defendant.

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2:21-CR-27

ORDER

Defendant's court-appointed elbow counsel, Ilya I. Berenshteyn, Esq. ("Mr. Berenshteyn"), has filed a Motion for Interim Payment [Doc. 176] pursuant to the Criminal Justice Act, Chapter 2 § 230.73.10. Pursuant to the Act, interim payments are available to "strike a balance between the interest in relieving court-appointed attorneys of financial hardships in extended or complex cases, and the practical application of the statutorily imposed responsibility [of the court] to provide a meaningful review of claims for excess compensation." Criminal Justice Act, Chapter 2 § 230.73.10 (c). The Court notes that when Mr. Berenshteyn was originally appointed to represent Defendant on May 13, 2024, he was the fourth court-appointed attorney provided to Defendant. [Doc. 104]. Mr. Berenshteyn was appointed to represent Defendant in both this case and a second case pending against Defendant bearing Docket Number 2:23-CR-111. Counsel was eventually relieved of his duty to represent Defendant in both cases, but his role was converted to that of elbow counsel. [Doc. 145]. In his role as elbow counsel, Mr. Berenshteyn assisted Defendant in preparation and proceedings of the trial held in the instant case on July 23-26, 2024, and is now assisting Defendant in preparing for the August 27, 2024 trial in Case No. 2:23-CR-

111. The trial of that matter is expected to be more extensive than the trial of this matter, which lasted for three and one-half days.

Given the extent of the time Mr. Berenshteyn has expended already, and continues to expend, on Defendant's behalf in such a short period of time, the Court finds that Mr. Berenshteyn's request for interim payment is well justified. Without a doubt, Mr. Berenshteyn's work in Defendant's matters significantly limits his ability to work on other legal matters. As such, the motion [Doc. 176] is **GRANTED**.¹

SO ORDERED:

/s/Cynthia Richardson Wyrick
United States Magistrate Judge

¹ The Court is also aware that Mr. Berenshteyn has worked diligently with the Sixth Circuit's budgeting attorney to ensure his compliance with the requirements of the Criminal Justice Act in relation to his representation of Defendant in these matters.